

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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RUBEN CARNERO, : Civil Action: 04-cv-10031-RWZ  
Plaintiff, :  
-against - : **MOTION TO FILE  
CORRECTED OPPOSITION  
MEMORANDUM**  
BOSTON SCIENTIFIC CORPORATION, :  
Defendant. :  
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Plaintiff Ruben Carnero hereby moves for permission to file the attached Corrected Memorandum in Opposition to Motion to Dismiss, or in the Alternative, for Summary Judgment or to Stay. The grounds for this motion are:

1. Plaintiff electronically filed yesterday his Memorandum in Opposition to Motion to Dismiss, or in the Alternative, for Summary Judgment or to Stay (the "Opposition Memorandum").
2. After the Opposition Memorandum was filed shortly before the 5:00 p.m. deadline, the following corrections were made to the memorandum: (i) reduction of the number of pages from 21 to 20 in order to comply with the page limitation set forth in the local rules (through edits to make points in a more concise manner and deletions of less critical information); (ii) addition of a cover page and table of contents; (iii) correction of various typographical and grammatical errors throughout the memorandum; and (iv) corrections to citations to the record and case law.
3. Plaintiff now seeks to file the attached Corrected Opposition Memorandum, which incorporates the corrections set forth above. The Corrected

Memorandum is being delivered to opposing counsel by overnight delivery so that it will be received by counsel and filed with the Court tomorrow, March 18, 2004, only one day after the March 17, 2004 filing deadline.

4. Plaintiffs requests that this relief be granted because it will not result in any further delay of this proceeding and the corrections incorporated into the Corrected Opposition Memorandum will aid opposing counsel and the Court in understanding plaintiff's opposition to defendant's motion.

Dated: Boston, Massachusetts  
March 17, 2004

LUSHAN, McCARTHY & GOONAN  
Counsel for plaintiff Ruben Carnero

By: Michael Lushan (ej)  
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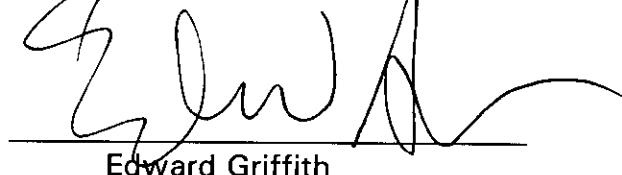
Of Counsel:  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I have this date served all parties in the foregoing matter with a true copy of the foregoing **Motion to File Corrected Memorandum**, directed them at the address shown below:

James W. Nagel, P.C. (via overnight delivery)  
Leslie S. Blickenstaff  
GOODWIN PROCTER LLP  
Exchange Place  
Boston, Massachusetts 02109-2881

This 17<sup>th</sup> day of March, 2004



Edward Griffith